



MINUTES
Town of Atherton
City Council
February 16, 2022
REGULAR MEETING

Mayor DeGolia called the meeting to order at 6:00 p.m.

REGULAR MEETING– *Convene as the City Council*

1. **PLEDGE OF ALLEGIANCE**
2. **ROLL CALL** - Polito, Hawkins–Manuelian, Lewis, Vice Mayor Widmer. Mayor DeGolia – Present
3. **PUBLIC COMMENTS** – *None*
4. **CITY MANAGER’S WRITTEN REPORT**

CONSENT CALENDAR (Items 5 - 14)

5. **APPROVAL OF BILLS AND CLAIMS FOR JANUARY 2022 IN THE AMOUNT OF \$ 3,932,174**
6. **ADOPT THE ATTACHED BUDGET AMENDMENT RESOLUTION FOR THE FY 2021/22 BUDGET**
7. **ACCEPTANCE OF TREASURER’S REPORT FOR THE SECOND QUARTER ENDED DECEMBER 31, 2021**
8. **ACCEPT THE FISCAL YEAR 2020-21 AUDITED BASIC FINANCIAL STATEMENTS**
9. **APPROVAL OF MINUTES FROM JANUARY 12, JANUARY 19 AND FEBRUARY 2, 2022**
10. **FAIR OAKS LANE QUIET ZONE EXTENSION – NOTICE OF INTENT**
11. **ADOPTION OF A RESOLUTION REGARDING A NOTICE OF INTENT TO COMPLY WITH SB 1383 REGULATIONS**

Adopted Resolution No. 22-03

12. CERTIFICATION OF CONTINUING EMERGENCY; MAKE SUCH FINDINGS AS REQUIRED UNDER GOVERNMENT CODE SECTION 54953(E)(3); AND RATIFY SUCH RULES AND REGULATIONS ENACTED BY THE DIRECTOR OF EMERGENCY SERVICES IN RESPONSE TO COVID-19

13. DONATION OF SPEED FEEDBACK SIGNS – GLENWOOD AVENUE

Vice Mayor Widmer recused himself from voting on this Item.

MOTION by Lewis, Second by Polito to accept the \$10,000 donation for the installation of speed feedback signs on Glenwood Avenue.

AYES: Polito, Hawkins, Lewis, DeGolia

NOES:

ABSENT:

ABSTAIN:

14. AWARD OF CONTRACT FOR THE OVERLAY OF THREE TENNIS COURTS AT HOLBROOK PALMER PARK

MOTION by Lewis, Second by Polito to approve the Consent Calendar

AYES: Polito, Hawkins, Lewis, Widmer, DeGolia

NOES:

ABSENT:

ABSTAIN:

PUBLIC HEARING (Items 15 – 17)

15. APPEAL OF A PLANNING COMMISSION DECISION TO DENY A HERITAGE TREE REMOVAL (HTR) PERMIT AT 1 ELM PLACE

Mayor DeGolia introduced the item and offered some instructions for the process of the item.

City Attorney Ebrahimi added procedural details for Council consideration and provided additional guidance for Council and appellant related to the process.

No Council Member indicated they had any conflicts of interest in participating in the discussion and decision for the item. Council Members Lewis, Polito, Vice Mayor Widmer, and DeGolia all noted they visited the property.

Principal Planner Davis presented the item to Council and provided a brief review of the property, the development plans and noted the Planning Commission's decision to deny the removal of trees.

Town Arborist Bentz provided details related to the determination of a Heritage Tree.

Mr. and Mrs. Kindler made a presentation to Council related to their application noting their replanting plan to include 8 new trees.

Public Comments:

- Megan Iverson spoke in support of the appeal and application.
- Anne Yvonne Walker spoke in opposition of removal of the trees.
- John Picard spoke in support of the appeal and application.

Council deliberated the request and the criteria for removal of Heritage Trees according to the Atherton Municipal Code. Council took into consideration the specific property, location of the trees with respect to the primary home and the full property, and the types of trees being considered for removal.

MOTION by Lewis, Second by Widmer to approve the appeal and allow the removal of the proposed trees, subject to the replanting plan with specified sizes of recommended types of trees as a condition and the draft approval certificate get executed.

AYES: Polito, Lewis, Widmer, DeGolia

NOES:

ABSTAIN: Hawkins

ABSENT:

16. INTRODUCTION OF AN ORDINANCE AMENDING ATHERTON MUNICIPAL CODE CHAPTER 8.16 “NOISE”, PERTAINING TO GAS POWERED GARDEN EQUIPMENT

City Manager Rodericks introduced the item and noted possible revisions to the proposed ordinance including placing a ban only on 2-stroke and 4-stroke leaf blowers and allow State laws to govern any remaining components. He clarified that if Council opts move forward with a simplified version of the ordinance the item could continue at this meeting and staff direction could be to bring the modified change back for adoption in March.

Public Comment:

- Anne Yvonne Walker spoke in support of a ban and suggested the inclusion of noise levels.
- Jerry Leugers spoke in support of full ban on leaf blowers.
- Carol Collins spoke in support of a ban on leaf blowers and
- Carol Flaherty spoke in opposition to a ban on leaf blowers noted a distinction between different types of power gardening tools.
- Barbara Preuss shared a concern about local Gardeners and cost burdens.
- Emily Conn, Environmental Programs Committee Chair spoke on behalf of the Town Committee and supported an outright ban.
- Smith McKeithen shared information about power gardening tools.

City Manager Rodericks noted that a revision could be that the Town address gas powered leaf blowers only and allow the State to deal with small gas-powered tools.

Council deliberated on the ordinance and potential revisions discussing the inclusion of Spare the Air Days, challenges of electric operated leaf blower tools, rebate programs, and enforcement challenges.

Motion to table this item Widmer, Second Polito to a future meeting after the Subcommittee has had an opportunity to review and provide a specific recommendation.

AYES: Polito, Hawkins, Lewis, Widmer, DeGolia

NOES

ABSTAIN:

ABSENT

Council recommended that staff collaborate with the Environmental Programs Committee to work on an education and information outreach campaign for the community.

17. INTRODUCTION OF AN ORDINANCE ESTABLISHING REGULATIONS AND OBJECTIVE STANDARDS FOR URBAN LOT SPLITS AND DEVELOPMENT PROJECTS SOUGHT PURSUANT TO GOVERNMENT CODE SECTIONS 65852.21 AND 66411.7 (SENATE BILL 9)

Town Planning Costa Sanders introduced the item to Council providing a brief overview of Senate Bill 9 (SB9) on and how the proposed ordinance would impact the Town's Regional Housing Needs Allocation (RHNA) and noted that staff performed a review of similar ordinances in neighboring Jurisdictions.

Mayor DeGolia sought clarification on setback rules in Town if a parcel receives a lot split to which Costa Sanders noted that in the case of an SB 9 lot split the units needed to comply with setback requirements.

Costa Sanders and City Attorney Ebrahimi added that the ordinance and proposals related to Accessory Dwelling Units and the ordinance related to the SB 9 process of splitting lots are entirely independent.

Public Comments:

- Carol Flaherty commented on the item.
- Jerry Leugers commented on the item.
- Emily Conn commented on the item.

Council continued to discuss the topic including the potential development of objective residential design standards.

MOTION Widmer, Second, Lewis to introduce the Ordinance establishing regulations and objective standards for urban lot splits and development projects sought pursuant to Government Code Sections 68852.21 and 66411.7 (Senate Bill 9) to the Zoning Code based on the following finding and for the reasons outlined in this report:

AYES: Lewis, Widmer, DeGolia

NOES: Polito, Hawkins

ABSENT:

ABSTAIN:

This item will return at the March Regular meeting for adoption.

REGULAR AGENDA (Items 18 – 23)

18. APPROVAL OF 2022 EARTH DAY EVENT WORK PLAN AND BUDGET AS RECOMMENDED BY THE ENVIRONMENTAL PROGRAMS COMMITTEE (EPC)

City Manager Rodericks briefly introduced the item and noted the proposed event details and planned activities.

Stacy Miles, Environmental Programs Committee Member and Earth Day Subcommittee Member shared an overview of planned activities with the Council inclining a Special Edition Earth Day Athertonian.

Councilmember Hawkins encourage Council to participate in the event.

MOTION Widmer, Second, Polito to approve the proposed Environmental Programs Committee Earth Day budget.

AYES: Polito, Hawkins, Lewis, Widmer, DeGolia

NOES:

ABSENT:

ABSTAIN:

19. ALL ELECTRIC REACH CODES ORDINANCE

City Manager Rodericks introduced the item.

Building Official Greenlee reviewed the report with Council and introduced Rafael Reyes, Peninsula Clean Energy Director of Energy Programs.

Reyes shared a presentation discussing specific data points in the Peninsula Clean Energy report with Council. He addressed how Reach Codes relate to State Codes. He noted State codes establish the baseline that all jurisdictions are required to adopt, and Reach Codes are an enhancement above those.

Council discussed the timing of potentially adopting Reach Codes, possible variations of pending State Codes, and the general areas of building appliance electrification and electric vehicle charging stations.

Public Comments:

- Carol Flaherty commented on the event.

- Stacy Miles, Environmental Programs Committee Member commented on the committees support for All-Electric codes.

Council provided direction to staff with recommendations consistent with staff proposals and directed that the item be returned for consideration commensurate the related Code update cycle.

This item was informational only and no action was taken.

20. ATHERTON TOWN CENTER SOLAR ENERGY POWER PURCHASE AGREEMENT WITH PENINSULA CLEAN ENERGY

Public Works Director Ovadia introduced the item. David Fribush and Rafael Reyes with Peninsula Clean Energy (PCE) made a presentation to Council.

Council discussed the topic in detail covering the design elements of adding solar panels, expenses and savings, and car ports.

Mayor DeGolia established an Ad Hoc Subcommittee to work with the City Manager.

MOTION Lewis, Second by Hawkins to approve the agreement and adopt Resolution No. 22-04 authorizing the City Manager in collaboration with the appointed Ad Hoc Subcommittee to investigate deployment of a Solar Photovoltaic Systems in partnership with PCE.

AYES: Polito, Hawkins, Lewis, Widmer, DeGolia

NOES:

ABSENT:

ABSTAIN:

21. REVIEW AND DISCUSS THE TOWN'S MASTER PLAN PROJECTS AND THE FINANCIAL PLANNING MODEL

This item was tabled until the March Study Session.

22. COUNCIL REPORTS/COMMENTS – *None*

23. ADJOURN

Mayor DeGolia adjourned the meeting at 10:21 p.m.



**Anthony Suber
City Clerk**